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Separate paging is given to this Part in order that it may be filed as a separate compilation.

## MINISTRY OF LAW AND JUSTICE (Legislative Department)

*New Delhi, the 25th December, 1997/Pausa 4, 1919 (Saka)*

### THE EMPLOYEES' PROVIDENT FUNDS AND MISCELLANEOUS PROVISIONS (AMENDMENT) SECOND ORDINANCE, 1997

No. 25 OF 1997

Promulgated by the President in the Forty-eighth Year of the  
Republic of India.

An Ordinance further to amend the Employees' Provident Funds and  
Miscellaneous Provisions Act, 1952.

WHEREAS a Bill further to amend the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, has been introduced in Parliament but has not yet been passed;

AND WHEREAS for giving effect to the provisions of the said Bill, the Employees' Provident Funds and Miscellaneous Provisions (Amendment) Ordinance, 1997 was promulgated by the President on the 22nd day of September, 1997;

AND WHEREAS the House of the People has been dissolved and the Council of States is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action to give continued effect to the provisions of the said Ordinance;

Now, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

Short title and  
commence-  
ment.

1. (1) This Ordinance may be called the Employees' Provident Funds and Miscellaneous Provisions (Amendment) Second Ordinance, 1997.

(2) It shall be deemed to have come into force on the 22nd day of September, 1997.

Amendment of  
section 6

2. In section 6 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (hereinafter referred to as the principal Act), for the words "eight and one-third per cent." and "ten per cent.", wherever they occur, the words "ten per cent." and "twelve per cent." shall respectively be substituted.

19 of 1952.

Amendment of  
section 7D.

3. In section 7D of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) A person shall not be qualified for appointment as a Presiding Officer of a Tribunal (hereinafter referred to as the Presiding Officer) unless he is, or has been, or is qualified to be,—

- (i) a Judge of a High Court; or
- (ii) a district judge."

Amendment of  
section 7F

4. Section 7F of the principal Act shall be re-numbered as sub-section (1) thereof, and after sub-section (1) as so re-numbered, the following sub-sections shall be inserted, namely:—

"(2) The Presiding Officer shall not be removed from his office except by an order made by the President on the ground of proved misbehaviour or incapacity after an inquiry made by a Judge of the High Court in which such Presiding Officer had been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

(3) The Central Government may, by rules, regulate the procedure for the investigation of misbehaviour or incapacity of the Presiding Officer."

Amendment of  
section 16

5. In section 16 of the principal Act, in sub-section (i),—

- (i) in clause (c), the word "or" occurring at the end shall be omitted;
- (ii) clause (d) and the *Explanation* thereto shall be omitted.

Repeal and  
saving.

6. (1) The Employees' Provident Funds and Miscellaneous Provisions (Amendment) Ordinance, 1997, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the Ordinance so repealed, shall be deemed to have been done or taken under the principal Act, as amended by this Ordinance.

Ord. 17 of  
1997

K. R. NARAYANAN,  
*President.*

RAGHBIR SINGH,  
*Additional Secy. to the Govt. of India.*